

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JESSE G. COOPER, *et al.*,

Plaintiffs,

v.

WHATCOM COUNTY, *et al.*,

Defendants.

CASE NO. C20-1196-JCC

ORDER

This matter comes before the Court on Plaintiffs' Motion or Leave to File an Amended Complaint (Dkt. No. 75). Having thoroughly considered the briefing and the relevant record, the Court finds oral argument unnecessary and hereby GRANTS the motion for the reasons explained below.

Plaintiffs filed a civil rights complaint in August 2020 (Dkt. No. 1), which the now seek leave to amend. (*See* Dkt. No. 75.) "The court should freely give leave to amend when justice so requires." Fed. R. Civ. P. 15(a)(2). Plaintiffs would like to add as a defendant Dr. Ralph Weiche, whose alleged involvement in providing medical care to Plaintiff Paula Jefferson was, Plaintiffs assert, not known when Plaintiffs initially filed suit. (*See* Dkt. No. 75 at 2.) Plaintiffs' original complaint alleges that an unnamed hospital employee took specific actions with respect to Jefferson; their proposed amendment identifies this employee as Dr. Weiche. (*See, e.g.*, Dkt. No. 76-2 at 11 (highlighting proposed additions and striking proposed deletions).)

1 Plaintiffs' motion indicates that Defendant PeaceHealth has objected to Plaintiffs'  
2 proposed amendment on statute of limitation grounds; and Plaintiff thus makes arguments based  
3 on tolling and relation back of the proposed amendment. (Dkt. No. 75 at 2, 4–6.) The Court need  
4 not resolve any statute of limitations issues because Defendants have not filed an opposition to  
5 Plaintiffs' request for leave. *See* W.D. Wash. Local Civ. R. 7(b)(2) (failure to file papers opposing  
6 a motion, other than one seeking summary judgment, "may be considered by the court as an  
7 admission that the motion has merit."). Moreover, based on Plaintiffs' briefing, the Court believes  
8 that justice requires granting leave to amend.

9 For the foregoing reasons, Plaintiffs' motion for leave to amend their complaint (Dkt. No.  
10 75) is GRANTED. Plaintiff will file the proposed Amended Complaint submitted as Exhibit B to  
11 its counsel's declaration in support of Plaintiffs' motion for leave to amend. (Dkt. No. 76-2.)

12 DATED this 26th day of August 2021.

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A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE